

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 24-cr-248 (MJD/TNL)

Plaintiff,

v.

ORDER

Elijah Moises Santiago (1), and
Richard Henry Selbitschka (3),

Defendants.

This matter comes before the Court on the Defendant Elijah Moises Santiago's Motion to Continue Hearing Dates, Enlarge Deadlines, and Exclude Time Under the Speedy Trial Act, ECF No. 32. Defendant Traxler has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 33.

Defendant Santiago requests that the motions filing date and the motion hearing date be continued. ECF No. 32. Defendant Santiago states that he needs additional time because of the volume of discovery in this case. *Id.* The Government has no objection to the requested extension. *Id.* Because this is a joint case, the motions filing deadline will be continued for both Defendant Santiago and Defendant Richard Henry Selbitschka. Defendant Santiago also seeks an exclusion under the Speedy Trial Act. *Id.*; ECF No. 33. The Court will exclude time as to Defendants Santiago and Selbitschka.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants Santiago

and Selbitschka in a speedy trial and such continuance is necessary to provide Defendants Santiago and Selbitschka and their counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Santiago's Motion to Continue Hearing Dates, Enlarge Deadlines, and Exclude Time Under the Speedy Trial Act, ECF No. 32, is **GRANTED**.

2. The period of time from **the date of this Order through November 25, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. An arraignment hearing for Defendant Selbitschka will be held before Magistrate Judge Tony N. Leung on **December 16, 2024, at 9:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415.

4. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **November 25, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

5. **Counsel must electronically file a letter on or before November 25, 2024 if no motions will be filed and there is no need for hearing.**

6. All responses to motions must be filed by **December 9, 2024**. *See* D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses must be filed by **December 9, 2024**.
See D. Minn. LR. 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses must be filed by **December 12, 2024**. *See* D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **December 16, 2024, at 9:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

All voir dire questions and jury instructions must be submitted to District Judge Michael J. Davis on or before *to be determined*.

This case must commence trial on *to be determined* before District Judge Michael J. Davis in Courtroom 13E, U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Michael J. Davis to confirm the new trial date.

Dated: October 9, 2024

/s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

United States v. Sealed
Case No. 24-cr-206 (JMB/TNL)